IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

Bail Appl..No. 4323 of 2007()

ST.1863/2005 of J.M.F.C.,TALIPARAMBA
CRIME NO.65/06 OF BEDAKAM POLICE STATION, KASARAGOD

.....

: PETITIONER/ACCUSED:

N. RAMACHANDRAN, S/O. KUNHIKANNAN,
AGED 50 YEARS, BUSINESSMAN, NADAKKAL HOUSE,
PILATHARA P.O., CHERUTHAZHAM AMSOM, DESOM,
KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI
SRI.V.JOHN SEBASTIAN RALPH

RESPONDENTS: COMPLAINANT:

STATION HOUSE OFFICER,
BEDAKAM POLICE STATION, KASARAGOD DIST.
(CRIME NO.65/2006 OF BEDAKAM POLICE STATION,
KASARAGOD DISTRICT), REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4323 of 2007

Dated this the 17th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused in a crime registered, inter alia, under Section 468 I.P.C. According to the petitioner, he has filed a complaint against the defacto complainant who is the wife of the 1st accused under Section 138 of the Negotiable Instruments Act. That complaint was filed as early as on 30.04.05. Cognizance has been taken and that complaint is pending now. Solely with the intention of vexing and harassing the petitioner and as retaliation against the said complaint under Section 138 of the Negotiable Instruments Act, the defacto complainant has on 7.4.06 filed a private complaint before the learned Magistrate alleging that the defacto complainant's husband and the petitioner in collusion have committed offences against the defacto complainant. The learned counsel for the petitioner submits that the defacto complainant is involved in a naked and transparent attempt to vex and harass the petitioner for having initiated proceedings under Section 138 of the Negotiable Instruments Act. The delay in filing the complaint is eloquent and must convey to the Court the true motivations of the petitioner.

2. Notice was given to the learned Magistrate. There is no serious opposition. I am satisfied in the circumstances indicated above that this is a fit case where directions under Section 438 Cr.P.C can be issued in favour of the petitioner-subject, of course, to appropriate conditions to be imposed, in the interests of a fair, efficient and expeditious investigation.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 24.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 25.07.2007 and 26.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall appear as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest

the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 24.07.07 as directed in clause (1) above, he shall be released on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 24.07.07.

(R.BASANT, JUDGE)

rtr/-